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**PATENT APPLICATION**  
Docket No: 16073.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re application of

Ernest Bruce Durbano

Serial No.: 10/798,052

Filed: March 10, 2004

Confirmation No.: Unknown

**For: RAILROAD PANEL PLACEMENT SYSTEM**

## TRANSMITTAL FOR INFORMATION DISCLOSURE STATEMENT

Mail Stop: AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing and pursuant to 37 C.F.R. § 1.97 is an Information Disclosure Statement, which includes the following statements, if any, required variously by 37 C.F.R. § 1.98:

- \_\_\_\_ Statement of relevance of selected cited references not in the English language which are not translated.
- \_\_\_\_ Statement that selected cited references are substantially cumulative of an enclosed or previously submitted reference.
- \_\_\_\_ Statement that selected cited references were previously cited by or submitted to the United States Patent and Trademark Office in a prior application which is relied upon for an earlier filing date under 35 U.S.C. § 120.

\* Admitted only in California  
† Admitted only in New York

**A. Additional Materials Required Due to Content of Information Disclosure Statement**

Transmitted are the following documents in addition to the Information Disclosure Statement as required variously under 37 C.F.R. § 1.98:

- Form PTO-1449 listing 15 references submitted for consideration.
- Copies of the 3 "foreign" references listed on the Form PTO-1449.
- English translations as indicated on the Form PTO-1449 of the references which are not in the English language.
- Copies of the following documents from the prosecution of a previous, related application:
  - Form PTO-1449 AND INFORMATION DISCLOSURE STATEMENT; and
  - Form PTO-892

**B. Additional Materials Required Due to Timing of Filing of Information Disclosure Statement**

The transmitted Information Disclosure Statement is being filed within one (1) of the following four (4) time periods:

- I.  Prior to the later of either three (3) months following the filing date or the mailing of a first Office Action. Accordingly, no materials other than those listed above are enclosed.
- II.  Following the latter of either three (3) months following the filing date or the mailing of a first Office Action, but before the mailing of a final Office Action or a Notice of Allowance. Accordingly, to secure consideration thereof, one (1) of the following is also enclosed:
  - Promptness Certification; or
  - Credit Card Form PTO 2038 in the amount of \$180.00 constituting the submission fee set forth in 37 C.F.R. § 1.17(p).
- III.  After the mailing of a Notice of Allowance, but before payment of the Issue Fee. Accordingly, in order to secure consideration thereof, each of the following are also enclosed:
  - Promptness Certificate;
  - Petition for Consideration; and

— Check No. in the amount of \$ \_\_\_\_\_ constituting the petition fee set forth in 37 C.F.R. § 1.17(i)(1).

IV. — After payment of the Issue Fee. Accordingly, in order to secure consideration thereof, each of the following are also enclosed:

— Petition to Withdraw from Issue; and

— Check No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ constituting the petition fee set forth in 37 C.F.R. § 1.17(i)(1).

C. Fees

The Commissioner is hereby authorized to charge payment of or any deficiency in the following fees associated with this communication, or to credit any overpayment thereof, to Deposit Account No. 23-3178. A duplicate copy of this letter is enclosed.

X Any fee required in relation to filing of this letter or any documents transmitted therewith.

— The submission fee set forth in 37 C.F.R. § 1.17(p) in the event that 37 C.F.R. § 1.97(c) applies and the Examiner is not satisfied that any Promptness Certificate submitted meets the requirements of 37 C.F.R. § 1.97(e).

— The submission fee set forth in 37 C.F.R. § 1.17(p).

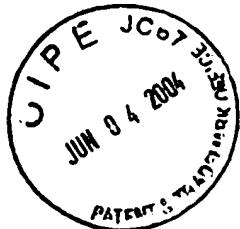
— The petition fee set forth in 37 C.F.R. § 1.17(i)(1).

Dated this 31 day of May, 2004.

Respectfully submitted,



David B. Dellenbach  
Attorney for Applicants  
Registration No. 39,166  
Customer No. 022913



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**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8**

I hereby certify that the following documents are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Mail Stop: AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 31 day of May, 2004:

- Transmittal for Information Disclosure Statement (3 pgs.)  
(in duplicate)
- Information Disclosure Statement (2 pgs.)
- Form PTO-1449 (2 pages)
- Copies of 3 references
- Postcard

Respectfully submitted,

Linda Clark, Assistant to  
David B. Dellenbach  
Attorney for Applicants  
Registration No. 39,166  
Customer No. 022913



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Ernest Bruce Durbano )

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INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. § 1.97

Mail Stop – AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Please find, pursuant to 37 C.F.R. § 1.98(a)(1), the enclosed Form PTO-1449 which contains a list of all patents, publications, or other items that have come to the attention of one or more of the individuals designated in 37 C.F.R. § 1.56(c). While no representation is made that any of these references may be "prior art" within the meaning of that term under 35 U.S.C. §§ 102 or 103, the enclosed list of references is disclosed so as to fully comply with the duty of disclosure set forth in 37 C.F.R. § 1.56.

Moreover, while no representation is made that a specific search of office files or patent office records has been conducted or that no better art exists, the undersigned attorney of record

believes that the enclosed art is the closest to the claimed invention (taken in its entirety) of which the undersigned is presently aware, and no art which is closer to the claimed invention (taken in its entirety) has been knowingly withheld.

In accordance with 37 C.F.R. §§ 1.97 and 1.98, a copy of each of the listed foreign patent references or relevant portion thereof is also enclosed.

Please credit any over payment or charge any additional fees to Deposit Account No. 23-3178 of the undersigned.

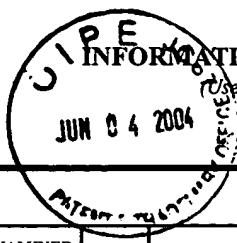
Dated this 31 day of May, 2004.

Respectfully submitted,



David B. Dellenbach  
Attorney for Applicants  
Registration No. 39,166  
**Customer No. 022913**

DBD/Irc  
LC0000001219V001


**INFORMATION DISCLOSURE CITATION**
*(Use several sheets if necessary)*

JUN 04 2004

Docket Number (Optional)

16073.1

Application Number

10/798,052

Applicant(s)

Ernest Bruce Durbano

Filing Date

March 10, 2004

Group Art Unit

Unknown

**U.S. PATENT DOCUMENTS**

EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	1	1,972,583	9/4/34	Cullen			
	2	2,695,809	11/30/54	Hooker			
	3	2,841,434	7/1/58	Hooker, et al.			
	4	2,920,465	1/12/60	Kaplan			
	5	2,945,608	7/19/60	Beler			
	6	2,945,609	7/19/60	Benes, et al.			
	7	2,959,411	11/8/60	Kaplan			
	8	2,987,339	6/6/61	Kaplan, et al.			
	9	3,153,555	10/20/64	Kaplan, et al.			
	10	3,155,416	11/3/64	Buchik, et al.			
	11	3,199,462	8/10/65	Hooker			

**FOREIGN PATENT DOCUMENTS**

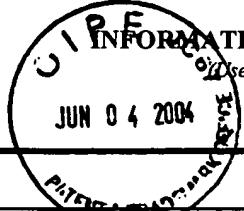
REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
						YES	NO
1	645541	7/24/62	Canada	294	17		
2	657669	2/12/63	Canada	294	17		
3	718794	9/28/65	Canada	294	17		

**OTHER DOCUMENTS** *(Including Author, Title, Date, Pertinent Pages, Etc.)*


EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



## INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)

JUN 04 2004

**Docket Number (Optional)**

16073.1

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10/798,052

**Applicant(s)**

## Ernest Bruce Durbano

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### Group Art Unit

## Unknown

## U.S. PATENT DOCUMENTS

## FOREIGN PATENT DOCUMENTS

REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
						YES	NO

**OTHER DOCUMENTS** *(Including Author, Title, Date, Pertinent Pages, Etc.)*


<b>EXAMINER</b>	<b>DATE CONSIDERED</b>
-----------------	------------------------

**EXAMINER:** Initial if claim is not considered. Include

POCA/PE/04

Patent and Trademark Office U.S. DEPARTMENT OF COMMERCE